

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 1997-239-C - ORDER NO. 2002-644 ✓  
SEPTEMBER 9, 2002

IN RE: Proceeding to Establish Guidelines for an Intrastate Universal Service Fund.	) ) ) )	ORDER STAYING PROCEEDING AND REQUIRING RETURN OF TESTIMONY
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This matter comes before the Public Service Commission of South Carolina (the Commission) for consideration of a Commission Staff Motion to Hold Proceedings and Scheduling in Abeyance. The Staff states that the grounds for said Motion are based on the oral ruling of the Honorable Ernest J. Kinard, Judge of the Fifth Judicial Circuit, who stated from the bench on Tuesday, August 20, 2002 that his intent was to issue a written Order staying the present Universal Service Fund (USF) proceedings before the Commission until November 1, 2002. The purpose of the Stay would be to hold all pending matters before the Commission in abeyance until such time as the Court issues its ruling on the merits of two Petitions for Judicial Review that were filed with regard to the Commission's last Orders related to the USF. According to the Staff, the Judge evidenced a clear intent that all proceedings with regard to the USF be stayed, so that the Court could rule on the merits of the Petitions for Judicial Review. The Staff moved that all proceedings and current Commission scheduling Orders be held in abeyance until further notice.

Before we could rule on the Staff's Motion, Judge Kinard issued a written decision, in which he reduced his stated mandates to written form. Judge Kinard issued a Stay of USF Proceedings that would increase the size of the USF until November 1, 2002 in accordance with his earlier oral ruling.

Accordingly, we grant Staff's Motion and hold that proceedings on the present matter before us involving six telephone companies that could increase the size of the USF is hereby stayed, along with all scheduling Orders that we have issued in the matter, in accordance with Judge Kinard's Order, until November 1, 2002, or until such other Order of the Court may be issued.

In addition, we note that the six telephone companies have already prefiled testimony in this Docket, pursuant to the existing scheduling Order. We hold that all of the testimony of the six companies shall be returned to their attorneys' offices. Should the Stay of the Circuit Court be lifted, we will issue a new scheduling Order in the present proceeding, and the six companies will be able to file and serve testimony and exhibits again in this matter. The original testimony that was filed and served pursuant to the original scheduling Order is hereby held to be of no force and effect.

This Order shall remain in full force and effect until further Order of the Commission.

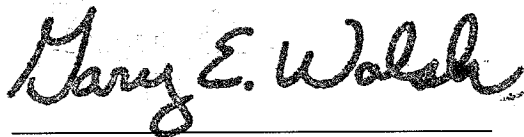
BY ORDER OF THE COMMISSION:



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Mignon L. Clyburn  
Chairman

ATTEST:



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Gary E. Walsh  
Executive Director

(SEAL)